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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Ben-Quan Shen

Examiner:

C. SAOUD

Serial No.:

09/700,806

Group Art Unit:

1647

Filed:

March 12, 2002

Docket No.:

11669.115USWO

Confirmation No.:

4225

Customer No.:

23552

Title:

MODULATION OF Enos ACTIVITY AND THERAPEUTIC USES

THEREOF

**CERTIFICATE UNDER 37 CFR 1.10**:

"Express Mail" mailing label number: EV 347834456 US

Date of Deposit: August 15, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Sheryl A. Boerboom

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Restriction Requirement mailed July 22, 2003.

Applicants respectfully traverse the restriction requirement. Applicants submit that it would not be unduly burdensome for the Examiner to search at least the group II invention drawn to methods of treating a NO associated disease with a VEGF receptor agonist comprising a VEGF variant and the claims of Group VIII, claims 14-19, drawn to a method of stimulating production of NO by a VEGF receptor agonist comprising a VEGF variant. Applicants submit a search of treating a NO disorder is likely to generate publications that also concern the method of stimulating production of NO.

Even though, Applicants traverse the restriction requirement, Applicants provisionally elect the claims of Group II (1-2, 4, 8 and 10) for prosecution in the instant application. In

regards to the species election, Applicants elect amino acid substitutions D63S, G65M, and L66R. Applicants submit that claims 1-4, 8, 10-15 and 18-19 are readable in the elected species. Examination on the merits is respectfully requested.

Respectfully submitted,

MERCHANT & GOULD P.C. P.O. Box 2903 Minneapolis, Minnesota 55402-0903 (612) 332-5300

Date: luxust (5, 2003

Katherine M. Kowalchyk

Reg. No. 36,848